IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

Con.Case(C).No. 705 of 2007(S)

AGAINST THE JUDGEMENT/ORDER IN WPC.8839/2007 Dated 19/03/2007

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PETITIONER/WRIT PETITIONER

R.R.CICILY MATHEW, AGED 70,
W/O.LATE N.V.MATHEW, RESIDING AT HOUSE NO.45/124,
CORREYA ROAD, PACHALAM, KOCHI - 18.

BY ADV. SMT.R.R.CICILY MATHEW(PARTY IN PERSON)

RESPONDENTS: RESPONDENTS

MINI ANTONY,
THE SECRETARY, CORPORATION OF KOCHI,
AGLAND FATHER'S NAME NOT KNOWN TO THE PARTY

BY ADV. SRI.C.M.SURESH BABU (SC, KOCHI CORPORATI
SHRI.RAMESH BABU
SC FOR CORPORATION OF KOCHI
SMT.MOLLY JACOB

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

C.O.C. NO.705 OF 2007

Dated this the 6th day of June, 2007

JUDGMENT

The Secretary of the Corporation has filed a counter affidavit wherein she has clearly averred that at the time when the building in question was taken over by the Corporation there were no movables or household articles in the building. Annexure-R1(c) Mahazar prepared by the Health Inspector, who took possession of the building from the petitioner, is relied on. By way of order dated 29.5.2007, I had directed the Corporation to produce the receipt which was issued by the petitioner at the time when the building in question was delivered back to her in pursuance to my order dated 19.3.2007. Annexure.R1(a) order authorizing one Sri.Dilip Kumar Health Inspector who return the building to the petitioner as well as Annexure R1(b) receipt issued by the petitioner against receipt of the building are relied on in this counter affidavit. Ext.R1 (b) is issued under the handwriting and signature of the petitioner. In Anenxure R1(b)

the petitioner does maintain her stand that no household articles have been returned to her.

2. The issue whether there were household articles in the building at the time when the building was taken over from the petitioner has thus become contentious. Having regard to Annexure R1(c) and the averments in the affidavit sworn by the Secretary of the Corporation which are fairly convincing, I do not think that this court will be justified in initiating action against the respondent for contempt. However, this court is not finally deciding on the issue whether there were household articles in the building belonging to the petitioner when the Corporation took it over. It is for the petitioner to seek appropriate remedies from a Competent Civil Court in that context. The initiation of contempt will not be justified.

The Contempt of Court Case will stand closed accordingly accepting the counter affidavit submitted by the Secretary of the Corporation.

PIUS C. KURIAKOSE,

JUDGE.

dpk